

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Marvel Characters, Inc.,

Plaintiff,

21-cv-7957 (LAK)

v.

Patrick S. Ditko,

*in his capacity as Administrator of the
Estate of Stephen J. Ditko,*

Defendant.

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[PROPOSED] Consent Scheduling Order

Upon consent of the parties, it is hereby
ORDERED as follows:

1. No additional parties may be joined after April 8, 2022.
2. No amendments to the pleadings will be permitted after April 8, 2022.
3. The parties shall make required 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before November 28, 2022;
 - (b) rebuttal expert witnesses on or before December 16, 2022.
4. All discovery, including any depositions of experts, shall be completed on or before January 16, 2023.¹
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before May 8, 2023.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.²
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.
9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated:

Lewis A. Kaplan
United States District Judge

¹ The parties agree that fact discovery shall be completed on or before November 18, 2022.

² The parties agree to file any motions for summary judgment on or before February 20, 2023.

CONSENTED TO:

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